

### **REMARKS**

Applicants have received and reviewed the Office Action in the form of a Species Election Requirement dated January 12, 2010. By way of response, Applicants elect species as described below. In addition, Applicants have canceled claims 1-27 without prejudice and added claims 28-34. No new matter has been added. Claims 28-34 are pending.

Applicants submit that the newly presented claims are supported by the specification as filed. Newly presented independent claim 28 recites a composition including desloratadine, meglumine, and pharmaceutically acceptable excipient. Support for claim 28 can be found, for example, in claim 18 as filed.

For the reasons presented below, Applicants respectfully submit that the amended and newly presented claims are in condition for allowance, and notification to that effect is earnestly solicited.

#### **Species Election Requirement**

The Office Action asserts that the present claims include more than one species as follows: primary amines, secondary amines, tertiary amines, cyclic amines, monosodium glutamate, polacrillin sodium, sodium alginate, and meglumine. Applicants note that meglumine is a secondary amine. Newly presented claims 28-34 recite the species meglumine, which renders this species election requirement moot.

Nonetheless, Applicants traverse the species election requirement and do not acquiesce to the statements made therein. Applicants traverse the species election requirement because it would not have been unduly burdensome for the Examiner to search and examine all of the species.

The Office Action asserts that the present claims include more than one species as follows: butylated hydroxytoluene, butylated hydroxyanisole, DL-alpha-tocopherol, propyl gallate, octyl gallate, ethylenediamine tetraacetate, ascorbyl palmitate, acetyl cysteine, ascorbic acid, sodium ascorbate, fumaric acid, and lecithin. Newly presented claim 30 recites the species butylated hydroxytoluene, which renders this species election requirement moot.

Nonetheless, Applicants traverse the species election requirement and do not acquiesce to the statements made therein. Applicants traverse the species election requirement because it

would not have been unduly burdensome for the Examiner to search and examine all of the species.

**Summary**

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.


Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,  
MERCHANT & GOULD P.C.  
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Date:

10 March '10

  
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MTS:kf

